

2017 CHIEF FOIA OFFICER REPORT
FEDERAL ENERGY REGULATORY COMMISSION

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Section 1: Steps Taken to Apply the Presumption of Openness

A. FOIA Training

1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes

2. If yes, please provide a brief description of the type of training attended and the topics covered.

Internal training sessions were attended and/or conducted by individuals with FOIA responsibilities. The training emphasized the importance of properly identifying the appropriate staff members to conduct search, conducting an adequate search of office files and electronic material, and the importance of conducting searches in a timely manner. Staff were encouraged seek guidance from IT specialist for assistance with complex electronic searches, as necessary. No external training was attended during this period.

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

FERC has one full time FOIA professional. Internal training was provided for new employees and refresher training was provided to staff. This was 80% of the individuals that work on FOIA requests.

4. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A

B. Outreach

5. *OPTIONAL*: Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

No

C. Other Initiatives

6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

Training for new employees and refresher training advised individuals of their role and obligations under FOIA. This includes their role of providing responsive material along with their views regarding the impact of the possible release of such material. These elements are critical to have a successful FOIA program.

7. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

N/A

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

A. Processing Procedures

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2016 Annual FOIA Report.

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2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A

3. *OPTIONAL*: During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

N/A

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

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B. Requester Services

5. *OPTIONAL*: Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

Yes. The FOIA Liaison routinely interacts with requesters. This includes interaction with individuals who may have general inquiries regarding the FOIA process and/or agency activities. The Liaison often directs individuals to public filings and issuances to meet the need of the potential requester. We believe these interactions are reflected in the lower of number of FOIA requests that were received in FY2016.

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

Many of FERC FOIA requesters are repeat requesters and often reach out to the FOIA Liaison for general questions and guidance. We estimate that the FOIA Liaison assists at least 12 FOIA requesters and/or those with inquiries regarding FOIAs each week.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

<https://www.ferc.gov/resources/guides/filing-guide/foia-request.asp>

C. Other Initiatives

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

Conducted review of the amount time required for staff to conduct searches and provide responsive material. As a result the FOIA office provides more frequent reminders to staff and coordinates with other FERC resources to assist with providing electronic copies of material, as necessary.

Section III: Steps Taken to Increase Proactive Disclosures

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

A. Posting Material

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

Yes, Reports from the FOIA tracker system are reviewed to identify frequently requested records.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

Yes. The FERC elibrary is monitored to identify specific subject matter, orders, reports and other material that should be prominently reflected on our webpage. These documents are also provided on social media platforms. During FY16 FERC included podcasts regarding high profile issues that may be of interest to the general public.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

N/A

4. If so, briefly explain those challenges and how your agency is working to overcome them.

N/A

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material

The FERC elibrary includes an index of documents that have been filed at FERC or issued by FERC. Public documents can be viewed online.

The following material reflects some of the items that have been posted to the FERC webpage.

November 13, 2015

FERC Staff Issues Final Environmental Impact Statement for the Magnolia LNG and Lake Charles Expansion Projects (CP14-347-000 and CP14-511-000) [Read More](#)

November 10, 2015

DOE IG: FERC Cybersecurity Program Consistent With Federal Requirements [Report](#) 

January 27, 2016 - Commissioner Tony Clark statement on Supreme Court Decision on Demand Response [Read More](#) | [Supreme Court Decision](#) 

May 17, 2016

[Testimony of OEIS Director Joseph McClelland before the House Homeland Security Committee, Subcommittee on Oversight and Management Efficiency](#) 

May 31, 2016 - Commissioner Colette D. Honorable Statement of Dissent on Emera Maine Tariff [Read more](#)

Acting Chairman LaFleur



July 25, 2016 - Commissioner LaFleur on the Columbia Energy Exchange Podcast talking about the Challenges and Opportunities Facing the Electric Grid

[Podcast](#)  | [Transcript](#) 

October 20, 2016

Item G-1: FERC Seeks Comment on Potential Changes to Oil Pipeline Rate Index Methodology, Data Reporting Requirements [News Release](#) | [Presentation](#)  | [ANOPR](#) 

» Visit our [Form 6](#) and [Oil Pipeline Index](#) sections

November 17, 2016

Item A-3: FERC Office of Enforcement Issues 10th Annual Report on Enforcement [News Release](#) | [Presentation](#)  | [Report](#)  | White Papers: [Trading Compliance Practices](#) , [Anti-Market Manipulation Enforcement Efforts](#) 

- » Visit our [Enforcement](#) section

November 17, 2016

Items: H-1 and H-3: FERC Seeking Comment on Policy for Establishing Length of Hydropower Licenses [News Release](#) | [Presentation](#)  | [NOI H-1](#)  | [H-3](#) 

- » Visit our [Hydropower Annual Charges](#) and [Hydro Licensing](#) sections

November 17, 2016

Item E-4: FERC Adopts FAST Act Provisions on Critical Infrastructure Information [News Release](#) | [Presentation](#)  | [Order No. 833](#) 

» Visit our [FOIA & CEII](#) section

January 27, 2017

FERC Staff Seeks Comment on Draft Guidelines for Reporting on Cultural Resources Investigations for Natural Gas Projects [Notice](#)  | [Guidelines](#) 

January 12, 2017

FERC Open Access Podcast: How Regional Organized Power Markets Work [Podcast](#) 

January 30, 2017 - Interview with Acting Chairman Cheryl LaFleur

Acting Chairman Cheryl LaFleur joins FERC's Open Access to explain how the Commission will be operating in the final days of a quorum and during the upcoming non-quorum time.

[Transcript](#) 

Music: "Get Me Started" by juqboxmusic, courtesy Getty Images.

[YouTube](#) 



January 11, 2017 - How Regional Organized Power Markets Work

Scott Miller, senior market advisor in FERC's Office of Energy Policy and Innovation, discusses the role, evolution and the future of regional organized electric power markets regulated by FERC. [Transcript](#) 

Music: "Get Me Started" by juqboxmusic, courtesy Getty Images.

[YouTube](#) 



February 1, 2017

Acting Chairman LaFleur Announces Staff Changes [News Release](#)

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe these efforts.

FERC utilized Twitter and Facebook to inform the public of important issuances and other FERC activities. FERC also offered subscription service that provided realtime notification of FERC filings and issuances. This notification included a direct link to material in the elibrary.

B. Other Initiatives

7. If there are any other steps your agency has taken to improve proactive disclosures, please describe them here. For example, has your agency engaged requesters in determining how and what to post? Has your agency used web analytics to inform your proactive disclosures?

FERC will continue to pursue potential opportunity to increase proactive disclosures and implement them accordingly.

Section IV: Steps Taken to Greater Utilize Technology

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

A. Making Material Posted Online More Useful

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes

2. If yes, please provide examples of such improvements.

FERC received feedback from users of FERC elibrary expressing their concerns and frustrations on inconsistencies with search and retrieve functionality. As a result FERC has taken measures enhance the FERC elibrary by reducing slowness or downtime and automating frequent checks on eLibrary. These efforts have increased the ability of users to identify material that they may have believed required the submission of a FOIA request.

B. Other Initiatives

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

No

4. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2017.

During FY2017 FERC will continue to focus on enhancing the FOIA tracker to increase the quality of data. We expect to use this data to automate the production of quarterly reports.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President's **FOIA Memorandum** and the DOJ's **2009 FOIA Guidelines** have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2016 Annual FOIA Report and, when applicable, your agency's 2015 Annual FOIA Report.

A. Simple Track

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

Simple – These are identified as track 1.

Complex – These tracks are identified as track 2 and 3.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

No

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

86% (Note: 92 requests were processed FY16. 80 were simple track)

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A

B. Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog.

Backlog decreased in FY2016

FY16 – 9

FY15 - 11

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2016.

9% (NOTE: Received 93 request in FY16.) (backlog – 9 FY16)

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015? If not, explain why and describe the causes that contributed to your agency not being able reduce backlog.

No appeal backlog for FY16.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

N/A

C. Status of Ten Oldest Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

11. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

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13. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

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TEN OLDEST APPEALS

14. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

Yes. (FERC only had 1 'ten oldest' at the end of FY15)

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

N/A (FERC only had 1 'ten oldest' at the end of FY15)

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

N/A

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

These requests dealt with complex matters and /or large volumes of material and were processed on a rolling basis.

19. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.

FERC will work aggressively and focus necessary resources to successfully reach our goal of completing each of the ten oldest pending requests by the end of 2017.

F. Success Stories

OPTIONAL: Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from

any one of the five key areas. As noted above, these agency **success stories** will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

N/A